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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

. Appeal from Order No. 182 of 2006
with CAA 254/2006.
Jaikishan Ramnath Tiwari.

..Appellant.

Versus.

Subhash Balchandra Sawant.

..Respondents.

Mr. S. K. Chourasia i/b A.M. Saraogi for
the appellant.

CORAM:A.M.KHANWILKAR,J.
DATED:18.03.2006

P.C.:-

. Heard the learned counsel for the appellant. I see no reason to depart from the opinion recorded by the Trial Court that the relief claimed in the Notice of Motion in one sense has worked out as the defendants have already created third party interest in the disputed property by entering into an agreement. In such case, question of grant of ad-interim relief as prayed in terms of prayer clause (a) will not arise. No fault can be found with the order of the trial Court. Therefore, I refuse to grant any relief. Having regard to the nature of controversy, Trial Court may be well advised to hear the Notice of Motion expeditiously, as far as possible by first week of May, 2006.

. The trial Court to decide all the questions on merits in accordance with law without being influenced by the observations made by this Court while rejecting this application.

[A.M.KHANWILKAR.J]